

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

LUCAS GREGORI, ET AL.

v.

MARKET STREET MANAGEMENT, ET AL.*

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Civil No. – JFM-16-1641

MEMORANDUM

Defendants have filed a motion to dismiss plaintiffs' complaint. The motion will be granted.

Plaintiffs have merely alleged their conclusion that "managers and management level employees" have been permitted to participate in tip pools. This allegation is insufficient to state a claim under *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 561-62 (2007). Therefore, plaintiffs have not stated a claim under the FLSA or the MWHL or the MWPCA.

A separate order dismissing plaintiffs' complaint is being entered herewith.

Date:


J. Frederick Motz
United States District Judge

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DISTRICT OF MARYLAND
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